

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

PATRICK ROMANO, JOSHUA WILSON,)
KRYSTAL CHRISTENSEN, JEFFREY)
CORDARO, CARMEN WEAVER,)
MONICA MCGEE, and MARY BOLDEN,)
individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

vs.)

Case No.: 2:23-cv-04043-BCW

TORCH ELECTRONICS, LLC, STEVEN)
MILTENBERGER, WARRENTON OIL)
COMPANY, MOHAMMED ALMUTTAN,)
MALLY, INC., and RAMI ALMUTTAN,)

Defendants.)

DECLARATION OF GENE J. BROCKLAND

In accordance with 28 U.S.C. §1746, I, Gene J. Brockland, declare under penalty of perjury that the following is true and correct and based upon my personal knowledge:

1. I am a partner at the law firm of Amundsen Davis, LLC. I am submitting this declaration in support of Plaintiffs' Motion for Class Certification in the above-entitled action. I am a member in good standing of the Missouri Bar and have never been the subject of any disciplinary proceeding. I am also licensed to practice law in the State of Illinois; the United States District Court for the Eastern District of Missouri; the United States District Court for the Western District of Missouri; the United States District Court for the Southern District of Illinois; the United States Court of Appeals for the Third Circuit; the United States Court of Appeals for the Seventh Circuit; the United States Court of Appeals for the Eighth Circuit; and the United States Court of Appeals for the Ninth Circuit.

2. I am a 1985 graduate of Washington University Law School, where I received my

Juris Doctor degree. I was admitted to the Missouri Bar in 1985 and the Illinois State Bar in 1986.

3. I have over 35 years of experience as a litigator, primarily in commercial cases, representing both plaintiffs and defendants. During that time, I have tried dozens of cases to verdict, including 11 jury trials.

4. One of the early plaintiff's cases I first-chaired was Thomas and Valerie Marshall v. Southwest Machine, et al., Circuit Court of St. Louis County, Missouri, # 21605872, a plaintiff's personal injury matter that settled while the jury was deliberating.

5. I have been involved in high-stakes litigation throughout my career. For example, early in my career I worked on behalf of plaintiffs who were franchisees of the old Burger King restaurant chain ("Burger King Litigation"). My prior firm represented several former Burger King franchisees located throughout the Midwest and Southeast. Other plaintiffs' attorneys represented other Burger King franchisees. Defendants Burger King and its parent, General Foods, were represented by a New York firm that at the time was one of the largest in the country. Defendant Hardee's was represented by a large D.C. firm. I interacted with our franchisees on a weekly basis for several years. I handled all written discovery in those cases, including a review of tens of thousands of documents produced by Defendants. I took a number of depositions, including the deposition of the then-CEO of General Foods. I also defended the depositions of most of the plaintiffs that we represented. Ultimately, the cases were consolidated in the U.S. District Court for the Northern District of Ohio as multi-district litigation. After consolidation, I served as second-chair on the first of those cases to be tried, which resulted in a plaintiff's verdict. Eventually, the Burger King Litigation was settled on a global basis.

6. In recent years, I have been involved in other high-stakes and high-profile litigation, including a case involving a stolen Norman Rockwell painting, known as *Russian Schoolroom*, in

the U.S. District Court for the District of Nevada. That case was brought by the alleged original owner of *Russian Schoolroom* against the Director of the FBI, which had formally seized the painting as stolen property, and Steven Spielberg, who was in possession of *Russian Schoolroom* at the time it was seized by the FBI. My client, an art dealer who had purchased *Russian Schoolroom* in good faith at an auction and subsequently sold it to Spielberg, essentially intervened on his behalf and thereafter litigated against the original owner to determine whether the original owner, Solomon, or the good faith auction purchaser, Cutler, had good title. After a bench trial, my client, Cutler, obtained title to *Russian Schoolroom*, then worth in excess of One Million Dollars. That decision was later upheld on appeal by the U.S. Court of Appeals for the Ninth Circuit.

7. A number of my high-profile cases have been plaintiff's contingent fee cases, including a series of cases brought against a large property developer, Olen Properties Corp. and its billionaire owner, Igor Olenicoff, seeking to vindicate the rights of individual sculptors whose work was being infringed by Olen and Olenicoff by virtue of defendants displaying knock-off copies of copyrighted work at their commercial properties. Those case included:

- Donald Wakefield v. Igor Olenicoff and Olen Properties Corp., U.S. District Court for the Central District of California, # SACV12-2077 AG (RNBx) (*Wakefield I*), which resulted in a jury verdict in favor of Plaintiff, as well as injunctive relief, where Plaintiff was successful on appeal to the U.S. Court of Appeals for the Ninth Circuit, and where Defendants unsuccessfully sought certification to the U.S. Supreme Court; and
- Donald Wakefield v. Igor Olenicoff and Olen Properties Corp., U.S. District Court for the Central District of California, # SACV17-1147 G (DFMx) (*Wakefield II*), which resulted in a confidential settlement; and

- Donald Wakefield v. Igor Olenicoff and Olen Properties Corp., U.S. District Court for the Central District of California, # 8:21-CV-01585-CJC-DFM (*Wakefield III*), which is still pending; and
- John Raimondi v. Igor Olenicoff and Olen Properties Corp., U.S. District Court for the Central District of California, # SACV12-2094 AG (RNBx) , which resulted in a jury verdict in favor of plaintiff, as well as injunctive relief, and later settled while on appeal by Defendants to the U.S. Court of Appeals for the Ninth Circuit.

8. I am currently admitted *pro hac vice* in the United States District Court for the Central District of California and serve as lead counsel for the Plaintiff in *Wakefield III*, which alleges violations of the RICO Act, copyright infringement, and fraudulent inducement. That case is pending.

9. Amundsen Davis, LLC is an AV rated law firm which began operating on November 1, 2022, following a consolidation between firms formerly known as SmithAmundsen, LLC, and Davis & Kuelthau, S.C. The firm's specialties include complex civil litigation, including class action litigation. Amundsen Davis, LLC employs 235 lawyers in multiple offices throughout the Midwest..

10. The firm is familiar with the laws applicable to this case and with the federal and local rules. We are also prepared to prosecute this case on behalf of the Plaintiffs and the putative class and dedicate the resources necessary to do so.

FURTHER AFFIANT SAYETH NOT.



GENE J. BROCKLAND

Date: 5/2/23